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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,545	04/08/2005	Bertrand Marsac	3338.44US01	7168

24113 7590 04/23/2007

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EXAMINER

LEE JR, KENNETH B

ART UNIT

PAPER NUMBER

2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/510,545

Applicant(s)

MARSAC, BERTRAND

Examiner

Kenneth B. Lee

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothchild, US Pub No. 2002/0171625 A1.

Regarding claim 1, Rothchild discloses a computer input device, comprising a pistol grip handle and having the functionality of a conventional computer mouse (Abstract), which meets the limitations of a computer mouse for video games comprising a housing, and a first and a second action button; a dummy firing weapon fixed above the housing adapted for and manipulation by a video game player. Rothchild discloses a plurality of buttons to emulate functions of conventional computer mouse buttons (0059-0066).

Regarding claim 2, Rothchild discloses a first button 24 functioning as a trigger (0060).

Regarding claim 3, Rothchild discloses a second button that performs the functions of the right button on a computer mouse (0062).

Regarding claim 6, Rothchild discloses a thumb-operated trackball that performs the functions of the scroll wheel or trackball on a computer mouse (0072).

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothchild in view of Tickle, US Patent No. 5,670,988.

Regarding claims 4, 5, and 7 Rothchild discloses a computer input device, comprising a pistol grip handle and having the functionality of a conventional computer mouse.

Rothchild fails to disclose the internal workings of how the buttons correspond to the conventional buttons on a mouse.

Tickle discloses an electronic circuit mounted on board within the housing (Abstract). Tickle further discloses that the circuit includes a switch responsive to pressure selectively to open and close an electronic circuit (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rothchild by the teachings of Tickle in order to realize practical implementation of the button, such as to include a switch responsive to pressure for selectively closing/opening an electrical circuit.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothchild in view of Fleck, US Patent No. 6,259,438 B1.

Regarding claim 8, Rothchild discloses a thumb-operated trackball that performs the functions of a scroll wheel or trackball on a computer mouse (0072).

Rothchild fails to disclose a potentiometer near this thumb-operated trackball.

Fleck discloses a finger wheel that contains a potentiometer to detect its degree of rotation (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art when the invention was made to incorporate a potentiometer in a mouse trackball or scroll wheel to function as a mini-joystick. Fleck shows practical realization of the functionality of the trackball, and as such complements Rothchild by allowing to practice its invention.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothchild in view of Toshikazu, EP1181962 A2 (reference provided by the applicant in IDS).

Regarding claim 9, Rothchild discloses a pistol-grip trackball mouse that has the same functionality of a conventional computer mouse (Fig. 1).

Rothchild fails to disclose that the mouse is adapted for emitting a laser beam in the direction of a video game display device.

Toshikazu discloses a toy pistol that contains a light emitting diode that emits light when the switch is turned on (0036).

Therefore it would have been obvious to one of ordinary skill in the art when the invention was made to modify Rothchild in view of Toshikazu so as to include a light emitting diode that would permit the mouse to emit a laser beam in the direction of a video game display, and as a result to enhance the functionality of the former.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Lee whose telephone number is 571-270-3147. The examiner can normally be reached on Mon. - Fri. 7:30AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.L.



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